President's reply.—As regards the extension of jurisdiction of the Changanachery court, the matter will be re-examined by the Government.

As regards the location of the Munsiff's Court in the Taluk Cutcherry building, the matter will be considered.

37. Establishment of a Magistrate's court at Changanachery.

Mr. Ouseph Oomman (Member, Changanachery taluk) in the course of his representation said that, after it had been notified in the Gazette of the 27th Medam 1097 that the Magistrate's Court at Changanachery was abolished, the inhabitants of the taluk had been making several representations to the Government regarding their grievances in the matter, but without eliciting any definite reply. He pointed out that, in the session of the Legislative Council held in Tulam, 1099, Government had proposed to reconsider the matter, but nothing had been done so far. He, therefore, prayed that the Magistrate's Court at Changanachery be re-established in the near future, and a long-felt grievance redressed thereby.

President's reply.—As I have already stated, the question as to the necessity for the establishment of a Stationary Magistrate's Court at Changanachery is engaging the attention of the Government. Orders will be passed soon.

38. Administration of the Police Department.

Mr. V. R. Gopala Pillai (Member, Kunnatnad taluk) represented that the one important defect in the administration of the Police Department was the system of recruitment to the Police Force. Physical fitness, *i. e.*, a height of 5 ft. 5 inches and a girth of 32 inches with a prescribed age limit had formed the only basis for recruitment in the force for a long time. An elementary knowledge of Malayalam was latterly prescribed as the educational qualification. No doubt, it was difficult to get educated men at the time when the Department was organised and also subsequently for a number of years. By this old process of recruitment, a good number of men who had no education or family status, character or respectability, secured admission into the force. Some improved by chance and some got dismissed, while the others continued. A total change came over them after admission into the Department and they made use of the Police uniform as a cover to oppress the poor and to commit offences. Many of them were never sober and some had the audacity to appear drunk even in public courts. The Member continued that, in view of the responsible duties the men in the lower ranks of the service had to be entrusted with, it was highly desirable to make some radical changes in the system of recruitment, that the vernacular section of the Education Department was turning out year after year a large number of young men with school leaving certificates, and that those who had physical fitness might with advantage be selected from them, good character, family status and respectability being, as a rule, also taken into account in such selection. The Member observed that, even though the Department had been recently reorganised, the lowest pay fixed for the constabulary was not at all sufficient to attract men of education, that the lowest pay provided for the school leaving men in the Education Department was Rs. 14, and that the pay of the constabulary should therefore be raised to Rs. 15 and the above qualifications prescribed for recruitment to the force. Raising the pay would, the Member said, of course, entail additional expenditure, but he was of opinion that a reduction could then be made in the strength of the force, without detriment to its efficiency.

The Member then suggested that a Travancorean be appointed as Commissioner of Police.

His next suggestion was the abolition of the post of Assistant Superintendents. The dual control exercised by these officers over the Inspectors of Police did not at all contribute to efficiency of work. The powers and duties of the Assistant Superintendents were not well defined. Very often the orders of the Assistant Superintendents and District Superintendents clashed with each other. If the

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Assistant Superintendent transferred one constable from a station to another within his jurisdiction, the District Superintendent issued another order transferring the same constable to another station. More than a year had elapsed since the office of the Assistant Superintendent was created, and on a thorough examination of the working of the Department any one would be convinced that no practical benefit was derived by the Department or the public by the creation of those officers. The Assistant Superintendent had no independent authority. They simply served as intermediary officers for the transmission of some papers from the Inspectors to the District Superintendents and *vice versa*. It might be pointed out that the Assistant Superintendents had been investigating a number of cases. But that investigation was only formal. The investigation of cases might safely be left in the hands of the Inspectors of Police, and in cases of complaint against the Inspectors or in cases of grave offences the District Superintendent might also make personal investigation. In view of the extensive jurisdiction of the District Superintendents, the Member suggested that their number might be increased to seven and those officers posted to Trivandrum, Nagercoil, Quilon, Chengannur, Kottayam, Perumpavur and the High Range. The pay of the District Superintendents might be fixed at Rs. 200-300. In the selection of these officers service alone should not be taken into consideration. Efficiency, education, honesty, etc., should also be kept in view.

The next point to which the Member drew the attention of Government was the investigation of cognizable cases by the Police. Very great difficulty was experienced by the public to move the Police to take up a case on the register. In cases of theft, when information was given to the Police, the officer in charge very seldom recorded the first information unless he was sure of the recovery of the *thondi*, with the result that many cases of theft were not reported and thefts increased everywhere. Under the present arrangement the first information might be recorded by even a police constable while in charge of a Police station. First information was an important record in a Police case and it was quite undesirable that such a record should be prepared by a constable who had absolulely no knowledge of even the elements of the offence. Very often material facts were not elicited from the informant, and as the case went up before a Magistrate the omission naturally turned out to be a very serious defect for the prosecution, and the prosecutions in such cases naturally failed. As a remedy for this evil, it was stated that one Head Constable should be directed to be always present at the Station.

Another defect pointed out was that, when a case was reported, the Inspector did not conduct the first investigation. He did not immediately proceed to the spot, but chose to depute his subordinates. It was therefore very essential that the first stage of investigation in every case should be conducted by the Inspector in person.

The Member next referred to the torture inflicted by the Police. Even innocent persons were subjected to ill-treatment by the Police. Not only the accused and suspected persons but even complainants and witnesses were at times subjected to such torture.

Another trick played by the Police officers in the investigation of cases was to arrest the accused as soon as the case was reported and to keep him in custody or in confinement till the investigation was complete, which in certain cases took a long time. In some cases they applied for remand and charge-sheeted the case when the period of remand was over. In the cases where they found that the investigation could be completed and the charge-sheet submitted within 14 days they did not make a record of the arrest, but made an entry in the records to the effect that the accused was absconding.

A further suggestion of the Member was that Police officers should be directed to send their case-diaries to the Magistrates from day to day. In the interest of justice it was absolutely necessary that such diaries should be sent to the Magistrates and the accused given copies thereof on application.

Another defect brought to the notice of the Government was that the measures taken by the Police for the prevention of crime were far from satisfactory. They

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entirely neglected their duty in that respect. Even in places where police officers were posted to preserve peace and order and to prevent commission of offences, grave offences took place and the officers on duty resorted to the scene of offence only a day after the fair. The Police did not exercise the necessary vigilance necessary to prevent offences.

The prosecution in police cases was conducted by Prosecuting Inspectors in the Magistrates' courts and these officers in most cases conducted the prosecution very shabbily. In some cases parties engaged vakils to conduct the prosecution, but those vakils had no freedom to conduct the cases. The Prosecuting Inspector was an all-powerful officer in a Magistrate's court. They exercised somehow or other some sort of control over the magistracy. The Magistrates generally gave preferential treatment to the Prosecuting Inspectors. The Member's suggestion was that the prosecution of cases charged by the Police might be left to the leading vakils engaged for the purpose by the Police.

One difficulty experienced by the Police in the conduct of the prosecution was the non-payment of batta and travelling allowance to the witnesses produced by them or summoned by the Magistrates. The Magistrates were not responsible for this, as sufficient funds were never provided in the budget. Small amounts of Rs. 5 and Rs. 10 were allotted to the Alwaye and Perumpavur Magistrates' courts respectively for the payment of batta to witnesses. Such amounts would not be sufficient to pay the witnesses even in a single case. It was very difficult to secure witnesses in criminal cases, and in such circumstances, it was really a hardship if witnesses were not paid their batta when they appeared to give their evidence either on *kycheets* taken by the Police or in pursuance of summonses issued from the court. Sufficient funds for the purpose should therefore be allotted to every Magistrates' court.

The orders of the Magistrates had to be executed by the Police and the Magistrates had no control over them. On the other hand it was the Police that exercised control over the Magistracy. Police Inspectors got more pay than Magistrates. Magistrates were recruited generally from the Secretariat and they found it very difficult to administer justice in police cases. If in any case an accused was let on bail, the Inspector made a report against the Magistrate to his superior. Those reports in a way affected the prospects of the Magistrates and hence in their own interests the Magistrates had to please the Police and often act as dictated to by them. Such interference in matters judicial should be discouraged and the Magistrates placed directly under the control of the High Court. The status of the Magistrates should be improved and they should have control over the Police at least insofar as the administration of criminal justice was concerned.

In conculsion, the Member said that Section 69 of the Police Regulation provided that complaints against police officers should be filed in First Class Magistrates' courts, while Section 70 provided that the previous sanction of Government was necessary for the institution of complaints against police officers. He was of opinion that there was no necessity for those provisions. If serious offences could be tried by Second Class Magistrates, there was absolutely no reason why cases against Police officers could not be entrusted to them. Further, it was very difficult for the people to go to places where there were First Class Magistrates. These provisions were very hard and the Member suggested their abrogation from the Police Regulation.

President's reply.—As to the principle of recruitment, the qualifications required at present are good character, physique above the general average, and literacy. For every branch of service, and especially for the Police, on account of the peculiar nature of the functions which policeman have to perform, respectability is necessary. Mr. Pitt assures me that, before a man is entertained, his respectability is enquired into and no person who is suspected to be not respectable is taken in as a member of the force. But he thinks that the educational standard of recruitment need not be raised.

As regards pay, it is a question of finance, and nothing definite can be said now on that point.

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As regards the abolition of the post of Assistant Superintendents and the increase of District Superintendents to seven, your suggetion will be noted.

In special cases, higher officers like the District Superintendents or the Assistant Superintendents will attend to the investigation of important cases and any slackness or other defect found will receive serious notice.

As regards the want of sufficient allotments under the head of batta for witnesses, you have given two instances, *i. e.* those relating to the Magistrates courts of Alwaye and Perumpavur. The matter will be looked into.

About the question as to who should prosecute, I find that there is a proposal to eliminate the Prosecuting Inspector and to entrust that work to some other agency, such as Sirkar Vakils. The question is being examined by the Head Sirkar Vakil.

As regards the relationship between the Police and the Magistracy, they are generally of a cordial nature and Mr. Pitt assures the Government that no lack of respect to a Magistrate is tolerated in the Department.

As regards the hardship which you say is caused by Sections 69 and 70 of the Police Regulation, your remarks are noted.

39. Desirability of laying down educational qualifications for document and petition writers in Public Offices and of issuing licenses to them.

Mr. P. K. Raman (Member, Nominated) said that nearly 50 years had elapsed since the Registration Department was organised and that the number of documents that were registered was daily on the increase. But nothing had been done till now to regulate the work of document-writers. They were absolutely ignorant of the rules or procedure relating to the Stamp Regulation, the Registration Regulation and the Rules passed thereunder, and the Transfer of Property Act. The vagaries committed by them were many and they were left unchecked. The Member urged the necessity of prescribing an examination qualification for document writers. The subjects for that examination should include the Registration Regulation, the Stamp Regulation, and the Transfer of Property Act, and the test should be open to those who had passed the English School Leaving Certificate Examination. The successful candidates should be granted license to write documents and such license should be renewed once in two or three years. A license fee should be introduced and there should also be a supervising agency.

President's reply.—There was an interpellation in the Legislative Council on this subject. The Director of Registration was of opinion that the matter required legislation. The Head Sirkar Vakil was, however, of the view that effectual legislation on the subject was not possible, that each man should have the liberty of choosing his own document-writer, and that Government should not unduly interfere with individual liberty of action in this respect. Government have accepted the view of the Head Sirkar Vakil.

IV. Production and Distribution,—Agriculture, Industries, Co-operation and Trade.

40. Suggestions for the improvement of Agriculture and Irrigation in Nanjinad.

Mr. Kanakku Matevan Pillai Perumal Pillai (Member, Agastisvaram taluk) first requested that small model agricultural farms be opened in different places and that agriculture be made a compulsory subject of study in schools in important villages in Nanjinad.

The Member next said that, as a result of dry lands on which green manure trees had been planted being converted into wet lands and of the consequent dearth of green manure in Nanjanad there was a fall in the yield of crops. To remove that defect, the Member suggested that agriculturists should be permitted to plant green manure trees on *poramboke* lands without being subjected to prohibitory assessment and heavy fines for encroachments on *porambokes*.

The next point urged by the Member was that the ryots of the Agastisvaram taluk should be granted free passes to enable them to take materials from forests for agricultural implements.

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